

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIAROSA FIGUEROA,
Plaintiff,

v.

WELLPATH, INC., et al.,
Defendants.Case No. [21-cv-09766-CRB](#)**ORDER TO SHOW CAUSE**

On December 20, 2021, Plaintiff Rosa Figueroa (“Figueroa”) filed this action, alleging that Defendants Wellpath, Inc. and Paula McKinsey (together, “Defendants”) violated Figueroa’s constitutional rights by using excessive force and failing to provide timely medical treatment at Santa Rita Jail. See Compl. (dkt. 1). On June 30, 2022, Figueroa’s counsel sought to withdraw as her attorney in this matter, because he had advised her to dismiss the case following new evidence that contradicted the facts alleged by Figueroa in her complaint, and Figueroa declined to do so. Plaintiff’s Status Report (dkt. 21); Mot. to Withdraw (dkt. 22) at 2. On July 18, 2022, the Court granted Figueroa’s counsel’s motion to withdraw. Order (dkt. 25). Since then, Figueroa has failed to respond to attempted contact by defense counsel. Saal Decl. (dkt. 30-1). On October 21, 2022, Defendants filed a motion to dismiss for failure to prosecute. Mot. (dkt. 30). Figueroa has failed to oppose or otherwise respond to the motion.

Accordingly, the Court **ORDERS PLAINTIFF TO SHOW CAUSE** by **January 24, 2023** why this case should not be terminated for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure for the reasons stated in Defendants’ motion.

IT IS SO ORDERED.

Dated: January 3, 2023



CHARLES R. BREYER
United States District Judge

United States District Court
Northern District of California

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